

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 98-385-E)

PATENT

In re Application of: Hauptmann et al. )

Serial No.: 09/525,998 )

Before the Examiner: E. O'Hara )

Filed: March 15, 2000 )

Group Art Unit: 1646 )

For: TNF Receptors, TNF Binding )  
Proteins and DNAs Coding For Them )

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

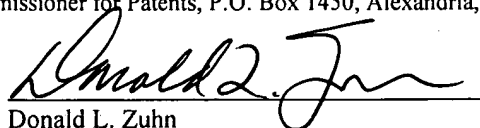
**TERMINAL DISCLAIMER**

Petitioner, **AMGEN INC.**, is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,294,352. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,294,352 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,294,352, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,294,352 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims

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Donald L. Zuhn

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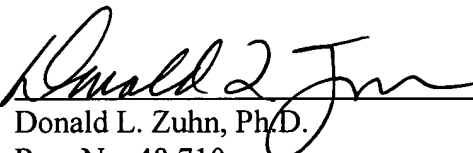
For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

Copies of the assignment documents in the chain of title from the original owner to the assignee are attached, and were recorded in the Patent and Trademark Office at reel 014576, frame 0466 and at reel 014575, frame 0860.

The undersigned representative has reviewed the attached assignment documents and certifies that, to the best of the undersigned's knowledge and belief, title is in the assignee seeking to take the action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

11/2/2004  
DATE

By:   
Donald L. Zuhn, Ph.D.  
Reg. No. 48,710

Attorney of Record  
Title

for

AMGEN INC.  
One Amgen Center Drive  
Thousand Oaks, CA 91320-1799  
Address



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Patent and Trademark Office  
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Washington, D.C. 20231



MAY 06, 2004

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\*700081252A\*

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP  
DONALD L. ZUHN  
300 SOUTH WACKER DRIVE  
CHICAGO, IL 60606

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RECORDATION DATE: 04/28/2004

REEL/FRAME: 014575/0860  
NUMBER OF PAGES: 4

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SYNERGEN, INC.

DOC DATE: 01/31/1995

ASSIGNEE:

AMGEN BOULDER INC.  
1885 33RD STREET  
BOULDER, COLORADO 80301

SERIAL NUMBER: 09525998  
PATENT NUMBER:

FILING DATE: 03/15/2000  
ISSUE DATE:

SHAREILL COLES, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

FORM PTO-1595 (Modified)  
(Rev. 03-01)  
OMB No. 0551-0027 (exp. 3/31/2002)  
POB/REV03

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## 1. Name of conveying party(ies)

Synergen, Inc.

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

## 2. Name and address of receiving party(ies):

Name: Amgen Boulder Inc.

Internal Address:

Street Address: 1885 33rd StreetCity: Boulder State: CO ZIP: 80301Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 3. Nature of conveyance

☐ Assignment☐ Merger☐ Security Agreement☒ Change of Name☐ OtherExecution Date: January 31, 1995

## 4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is.

A. Patent Application No (s)

09/525,998

B. Patent No (s)

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Donald L. ZuhnInternal Address: McDonnell Bochnen Hulbert& Berghoff LLPStreet Address: 300 South Wacker DriveCity: Chicago State: IL ZIP: 60606

## 6. Total number of applications and patents involved:

1

## 7. Total fee (37 CFR 3.41).

\$ 40.00☐ Enclosed - Any excess or insufficiency should be credited or debited to deposit account☒ Authorized to be charged to deposit account

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Donald L. Zuhn

Name of Person Signing

Signature

April 28, 2004

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☐ Security Agreement

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& Berghoff LLP

Street Address: 300 South Wacker Drive

City: Chicago State: IL ZIP: 60606

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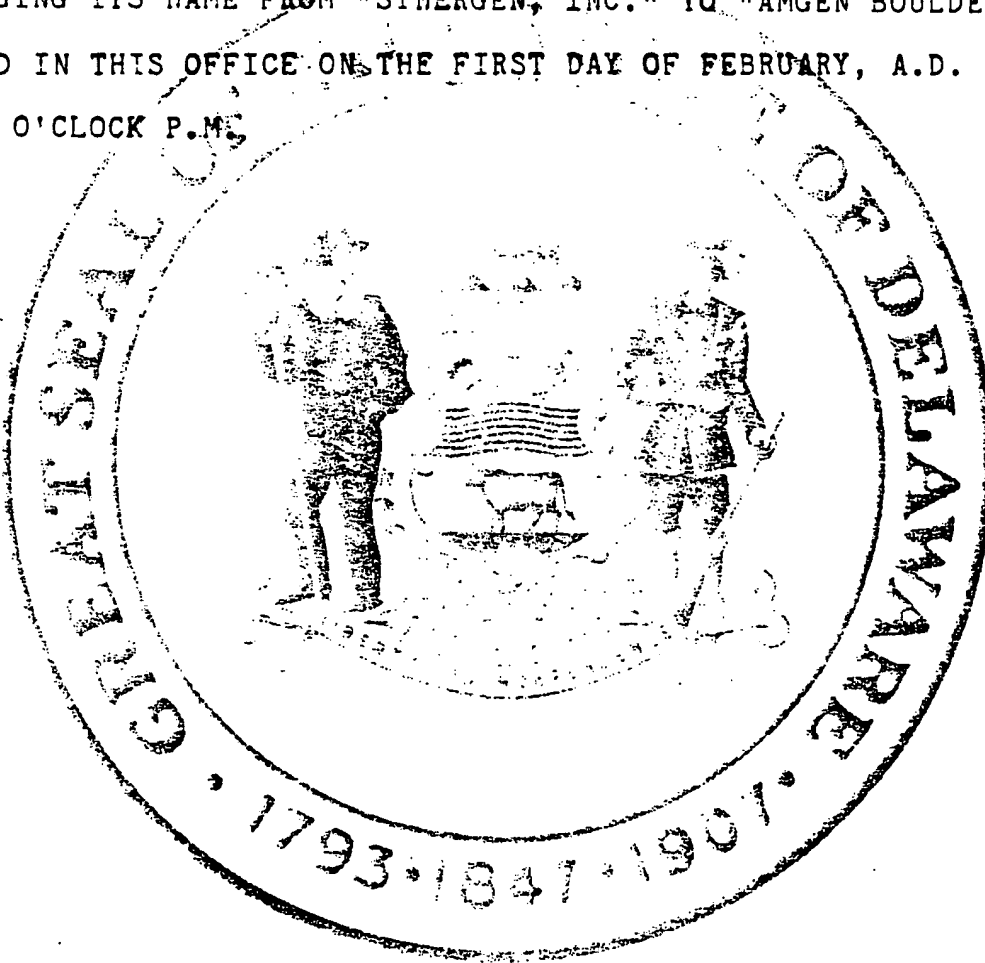
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*Office of the Secretary of State*

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "SYNERGEN, INC.", CHANGING ITS NAME FROM "SYNERGEN, INC." TO "AMGEN BOULDER INC.", FILED IN THIS OFFICE ON THE FIRST DAY OF FEBRUARY, A.D. 1995, AT 2:30 O'CLOCK P.M.



A handwritten signature in cursive script, reading "Edward J. Freel".

Edward J. Freel, Secretary of State

0932371 8100

950195148

AUTHENTICATION:

7622219

DATE:

08-28-95

**CERTIFICATE OF AMENDMENT  
TO THE  
CERTIFICATE OF INCORPORATION  
OF  
SYNERGEN, INC.**

Synergen, Inc., a corporation existing under the laws of the State of Delaware, which was originally incorporated under the name Synergen Associates, Inc. on February 22, 1982 (the "Corporation"), does hereby certify:

I. That Section 1 of the Certificate of Incorporation of the Corporation is hereby amended to read as follows:

1. The name of the corporation is:

**Amgen Boulder Inc.**

II. That written consent has been given in accordance with Section 228 of the General Corporation Law of the State of Delaware to amend Section 1 of the Certificate of Incorporation of the Corporation and that this Certificate of Amendment to the Certificate of Incorporation was duly adopted in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware.







**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231



\*700081336A\*

MAY 06, 2004

PTAS

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP  
DONALD L. ZUHN  
300 S. WACKER DR.  
CHICAGO, IL 60606

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RECORDATION DATE: 04/29/2004

REEL/FRAME: 014576/0466  
NUMBER OF PAGES: 5

BRIEF: MERGER (SEE DOCUMENT FOR DETAILS).

**ASSIGNOR:**

AMGEN BOULDER INC.

DOC DATE: 12/31/1997

**ASSIGNEE:**

AMGEN INC.  
ONE AMGEN CENTER DRIVE  
THOUSAND OAKS, CALIFORNIA 91320

SERIAL NUMBER: 09525998  
PATENT NUMBER:

FILING DATE: 03/15/2000  
ISSUE DATE:

SHARON LATIMER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

FORM PTO-1595 (Modified)  
(Rev. 03-01)  
OMB No. 0651-0027 (exp. 5/31/2002)  
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## 1. Name of conveying party(ies):

Amgen Boulder Inc.

## 2. Name and address of receiving party(ies):

Name: Amgen Inc.

Internal Address:

Street Address: One Amgen Center DriveCity: Thousand Oaks State: CA ZIP: 91320Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

- ☐ Assignment ☒ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other

Execution Date: December 31, 1997

## 4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No (s)

09/525,998

B. Patent No (s)

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Donald L. ZuhnInternal Address: McDonnell Boehnen Hulbert  
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## 6. Total number of applications and patents involved.

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7. Total fee (37 CFR 3.41): \$ 40.00

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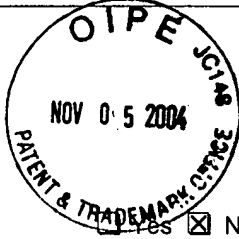
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**Amgen Boulder Inc.**



Additional names(s) of conveying party(ies)

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2. Name and address of receiving party(ies):

Name: **Amgen Inc.**

Internal Address: \_\_\_\_\_

Street Address: **One Amgen Center Drive**

City: **Thousand Oaks** State: **CA** ZIP: **91320**

3. Nature of conveyance:

- ☐ Assignment ☒ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: **December 31, 1997**

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent numbers(s):

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A. Patent Application No.(s)

**09/525,998**

B. Patent No.(s)

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5. Name and address of party to whom correspondence concerning document should be mailed:

Name: **Donald L. Zuhn**

Internal Address: **McDonnell Boehnen Hulbert**

**& Berghoff LLP**

Street Address: **300 South Wacker Drive**

City: **Chicago** State: **IL** ZIP: **60606**

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**Donald L. Zuhn**

Name of Person Signing

Signature

**April 29, 2004**

Date

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# Office of the Secretary of State

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I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"AMGEN BOULDER INC.", A DELAWARE CORPORATION,

WITH AND INTO "AMGEN INC." UNDER THE NAME OF "AMGEN INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE THIRTY-FIRST DAY OF DECEMBER, A.D. 1997, AT 10 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



Edward J. Freel, Secretary of State

2106150 8100M

971454892

AUTHENTICATION:

8844498

DATE:

01-02-98

# **CERTIFICATE OF OWNERSHIP AND MERGER**

**of**

**AMGEN BOULDER INC.**

**(a Delaware corporation)**

**with and into**

**AMGEN INC.**

**(a Delaware corporation)**

It is hereby certified that:

1. Amgen Inc. (the "Corporation") is a corporation of the State of Delaware.
2. Amgen Boulder Inc., a Delaware corporation ("Amgen Boulder"), is a wholly-owned subsidiary of the Corporation.
3. The Corporation, as the owner of at least 90% of the outstanding shares of stock of Amgen Boulder, does hereby merge Amgen Boulder with and into the Corporation.
4. This Certificate of Ownership and Merger constitutes a plan of complete liquidation of Amgen Boulder pursuant to Section 332 of the Internal Revenue Code of 1986, as amended ("Section 332").
5. The following is a copy of the resolutions adopted on December 31, 1997 by unanimous written consent of the Board of Directors of the Corporation with respect to the merger of Amgen Boulder with and into the Corporation (the "Merger"):

RESOLVED, that Amgen Boulder be merged with and into the Corporation pursuant to Section 253 of the Delaware General Corporation Law as hereinafter provided, so that the separate existence of Amgen Boulder shall cease as soon as the Merger shall become effective, and thereupon the Corporation and Amgen Boulder will become a single corporation with the Corporation as the surviving corporation, which shall continue to exist under, and be governed by, the laws of the State of Delaware;

RESOLVED FURTHER, the Merger shall be treated as a tax-free liquidation pursuant to Section 332;

RESOLVED FURTHER, the Certificate of Ownership and Merger setting forth a copy of these resolutions shall be effective upon the filing thereof with the Secretary of State of the State of Delaware; and

RESOLVED FURTHER, that the Chief Executive Officer, President, Chief Financial Officer and Senior Vice President, General Counsel of the Company, and the Secretary


or Assistant Secretary of the Company acting in conjunction with any such officers, be and they hereby are authorized and directed to make and execute a Certificate of Ownership and Merger ("Certificate of Ownership and Merger"), in the form set forth as Exhibit A hereto, setting forth a copy of these resolutions to merge Amgen Boulder into the Corporation, and to cause the same to be filed and recorded as provided by law, and to do all acts and things whatsoever, within the State of Delaware and in any other appropriate jurisdiction, necessary or proper to effect the Merger.

6. The Certificate of Ownership and Merger and the Merger shall become effective upon the filing of such Certificate of Ownership and Merger with the Secretary of State of the State of Delaware.

[Signature Page to Follow]

Signed on December 31, 1997

AMGEN INC.



Name: George A. Vandeman  
Title: Senior Vice President, General  
Counsel and Secretary

S-1

ABI-Cd of Merger

(TUE) 12.30.97 15:47/ST. 15:41/NO. 4261284509 P 4

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